

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKBRIAN FIELMAN, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

PEPSICO, INC., THE PEPSI BOTTLING GROUP,
INC., and PEPSI BOTTLING VENTURES LLC,

Defendant.

Civil Action No. 07 CIV 6815 (CLB)

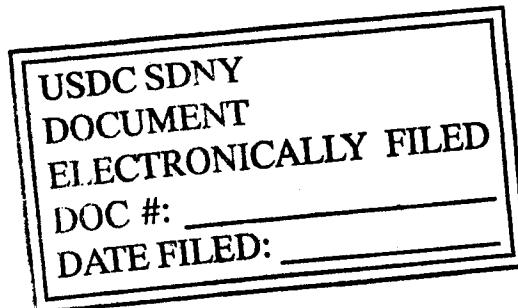
MOTION TO ADMIT
COUNSEL PRO HAC VICEU.S. DISTRICT COURT
S.D.N.Y.
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PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for
the Southern District of New York, I, James M. Parrott, V, a member in good standing of the bar
of this Court, hereby moves for an Order allowing the admission pro hac vice of:

Donald H. Tucker, Jr.
 Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP
 2500 Wachovia Capitol Center
 Raleigh, North Carolina 27601
 (919) 821-1220 (ph)
 (919) 821-6800 (fax)

Donald H. Tucker, Jr. is a member of good standing of the Bar of North Carolina and of the
United States District Court for the Eastern District of North Carolina as evidenced by the
attached certificates of good standing. There are no pending disciplinary proceedings against
Donald H. Tucker, Jr. in any State or Federal court.

Dated: September 11, 2007
 Raleigh, North Carolina



Respectfully submitted,

By: _____


James M. Parrott, V.

(JP 5297)

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, LLP

2500 Wachovia Capitol Center

P. O. Box 2611

Raleigh, North Carolina 27602

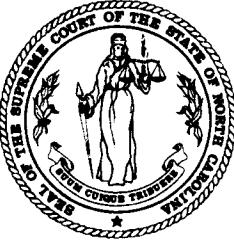
(919) 821-1220 (ph)

(919) 821-6800 (fax)

Attorney for Defendant

Pepsi Bottling Ventures LLC

**Supreme Court
OF THE STATE OF NORTH CAROLINA**



*I, Christie Speir Cameron, Clerk of the Supreme Court of North Carolina, do hereby
certify that on August 18, 1984, license to practice as an Attorney and Counselor at Law in all
the Courts of this State was issued by the North Carolina Board of Law Examiners to*

DONALD H. TUCKER, JR.

according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.

To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.

*WITNESS my hand and the Seal of the Supreme Court of North Carolina at office in
Raleigh, this September 7, 2007*

Christie S. Cameron
Christie Speir Cameron
Clerk of the Supreme Court
of the State of North Carolina

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NORTH CAROLINA

CERTIFICATE OF GOOD STANDING

I, Dennis P. Lavarone, Clerk of this Court,

certify that Donald H. Tucker, Jr., Bar #12578,
was duly admitted to practice in this Court on

July 8, 1985, and is in good standing

as a member of the Bar of this Court.

on September 10, 2007.

Dated at Raleigh

Dennis P. Lavarone

CLERK

DEPUTY CLERK



CERTIFICATE OF SERVICE

This is to certify that the undersigned this day served the foregoing documents upon all parties to this cause by depositing a copy thereof in the United States Mail, first class postage prepaid, addressed as follows:

Jeffrey A. Klafter
Klafter & Olsen LLP
1311 Mamaroneck Avenue, Suite 220
White Plains, NY 10602
Attorney for Plaintiffs

Andrew P. Bell
Seth R. Lesser
Locks Law Firm PLLC
110 East 55th Street
New York, NY 10022
Attorneys for Plaintiffs

Lawrence I. Weinstein
Louis M. Solomon
Michael Lazaroff
Proskauer Rose LLP (New York)
1585 Broadway
New York, NY 10036
*Attorneys for Defendants PepsiCo, Inc.
and Pepsi Bottling Group, Inc.*

This the 11th of September, 2007.


James M. Parrott, V.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN FIELMAN, on behalf of himself and all others similarly situated, Plaintiff,
v.
PEPSICO, INC., THE PEPSI BOTTLING GROUP, INC., and PEPSI BOTTLING VENTURES LLC, Defendant.

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07 Civ 6815 (CLB)

**AFFIDAVIT OF
JAMES M. PARROTT, V
IN SUPPORT OF
MOTION TO ADMIT
COUNSEL PRO HAC VICE**

-----)

JAMES M. PARROTT, V, being duly sworn, deposes and says:

1. I am a member of the firm of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., attorneys for Defendant Pepsi Bottling Ventures LLC (“Defendant”) in this action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant’s motion to admit Donald H. Tucker, Jr. as counsel pro hac vice to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in New York on May 13, 2002. I am also admitted to the bar of the United States District Court for the Southern District of New York and am in good standing with this Court.

3. I have known Mr. Tucker since October, 2005.

4. Donald H. Tucker, Jr. is a partner with the firm of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P. and is a member in good standing of the Bar of the State of North Carolina and of the United States District Court for the Eastern District of North Carolina.

5. Mr. Tucker is a skilled attorney and a person of integrity. He is experienced in Federal Practice and is familiar with the Federal Rules of Procedure.

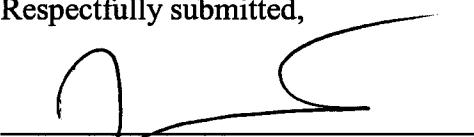
6. Accordingly, I am pleased to move the admission of Donald H. Tucker, Jr., pro hac vice.

7. I respectfully submit a proposed order granting the admission of Donald H. Tucker, Jr., pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE, I respectfully request that the Court grant Defendant's motion to admit Donald H. Tucker, Jr., pro hac vice, to act as counsel on behalf of Defendant in this action.

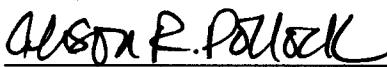
Dated: September 11th, 2007
Raleigh, North Carolina

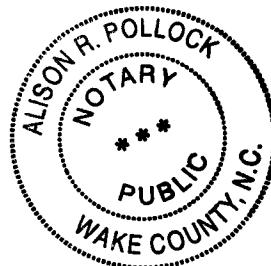
Respectfully submitted,


James M. Parrott, V
JP - 5297

State of North Carolina
County of Wake

Subscribed and sworn to before me this
11th day of September, 2007.


Alison R. Pollock, Notary Public



My commission expires December 23, 2009.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----)
BRIAN FIELMAN, on behalf of himself and all) **07 Civ 6815 (CLB)**
others similarly situated,)
Plaintiff,)
)
)
v.) **ORDER FOR ADMISSION**
) **PRO HAC VICE**
) **ON WRITTEN MOTION**
)
PEPSICO, INC., THE PEPSI BOTTLING GROUP,)
INC., and PEPSI BOTTLING VENTURES LLC,)
Defendant.)
-----)

Upon the motion of James M. Parrott, V, attorney for Defendant Pepsi Bottling Ventures LLC, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Donald H. Tucker, Jr.
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP
2500 Wachovia Capitol Center
Raleigh, North Carolina 27601
(919) 821-1220 (ph)
(919) 821-6800 (fax)
dtucker@smithlaw.com

is admitted to practice pro hac vice as counsel for Defendant Pepsi Bottling Ventures LLC in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including Rules governing discipline of attorneys. This action has been assigned to the Electronic Case Filing (ECF) system; therefore counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: September ___, 2007
White Plains, New York

United States District/Magistrate Judge